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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

PHILLIP McCAIN, §
State Jail No. 02198655, §
TDCJ Nos. 527332, 622721, 1217162, §
1254941, §
Plaintiff, §
§
§
v. § CIVIL ACTION H-05-3223
§
Warden DENNIS MILLER, *et al.*, §
§
Defendants. §

ORDER OF DISMISSAL

For the reasons stated in this Court's Memorandum on Dismissal entered this date, this action is DISMISSED.

SIGNED at Houston, Texas, on this 21st day of September, 2005.



DAVID HITTNER

United States District Judge